

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS RUIZ-HERNANDEZ,

Defendant.

CASE NO. CR22-0197JLR

ORDER

I. INTRODUCTION

Before the court are Defendant Jesus Ruiz-Hernandez's motions to continue trial and to continue pre-trial deadlines. (Trial Mot. (Dkt. # 75); Pre-Trial Mot. (Dkt. # 76); *see also* Speedy Trial Waiver (Dkt. # 80).) Mr. Ruiz-Hernandez seeks these continuances because his attorney recently discovered that his client cannot read documents written in English. (*See, e.g.*, Trial Mot.) Plaintiff the United States of America ("the Government") does not oppose the motion. (Resp. (Dkt. # 82).) Mr. Ruiz-Hernandez seeks to continue the trial, currently set for October 10, 2023, to April 2024; and the

1 Government states in its motion that it will be available for trial no earlier than June 10,
2 2024. (*See* Trial Mot.; Resp.) The court reviewed the parties' submissions, heard oral
3 argument, and orally granted the motions in part. (*See* 8/24/23 Min. Entry (Dkt. # 83).)
4 This order sets forth the court's reasoning and re-sets the pretrial deadlines.

5 II. DISCUSSION

6 In light of defense counsel's recent discovery that Mr. Ruiz-Hernandez is not
7 literate in English and has limited ability to speak and understand English, the court
8 concludes that the ends of justice will be served by ordering a continuance in this case;
9 that a continuance is necessary to ensure that defense counsel has adequate time for
10 effective case preparation and to fully review the extensive record and prepare a defense;
11 and that failure to grant a continuance could result in a miscarriage of justice. The court
12 further finds that these factors outweigh the interests of the public and Mr.
13 Ruiz-Hernandez in a speedy trial within the meaning of the Speedy Trial Act. *See* 18
14 U.S.C. § 3161(h)(7)(A); (*see also* Speedy Trial Waiver).

15 However, the court also concludes that the unique circumstances of this case
16 warrant a shorter continuance than Mr. Ruiz-Hernandez seeks. First, the Government has
17 credibly accused Mr. Ruiz-Hernandez of threatening witnesses in person after his initial
18 arraignment, and of instructing his siblings and girlfriend via telephone from within the
19 Federal Detention Center to issue similar threats. (*See* 8/18/23 Order (Dkt. # 73) at 2-3.)
20 Second, because many of the witnesses and alleged victims in this case live in the same
21 small island community as Mr. Ruiz-Hernandez's siblings and girlfriend, a substantial
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1 continuance of the trial date only increases the opportunity for witness intimidation
2 through chance encounters. (*See id.*) Third, as the Government explained during a status
3 hearing on August 1, 2023, many of the witnesses in this case are either undocumented
4 immigrants or residents of foreign countries who may be difficult to locate after a long
5 continuance. (*See* 8/2/23 Min. Order (Dkt. # 66).) Therefore, to minimize these potential
6 harms, the court continues the trial date to January 2, 2024, at 9:00 a.m. The period of
7 delay from the date of this order to the new trial date is excludable time pursuant to
8 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

9 Accordingly, the court modifies the following pretrial deadlines:

10 1. Pretrial motions are now due on **November 13, 2023**. Responses are due
11 on **November 27, 2023**. Any replies are due by **November 29, 2023**, and all pretrial
12 motions shall be noted for consideration on November 29, 2023.

13 2. Motions in limine are now due on **December 6, 2023**. Responses are due
14 by **December 13, 2023**. No replies shall be filed unless requested by the court. *See*
15 W.D. Wash. Local Rules LCrR 23.2.

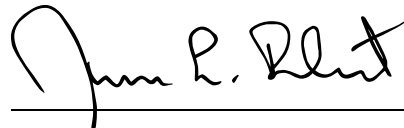
16 3. The pretrial conference will take place on **December 20, 2023**, at 9:30 a.m.

17 4. All other pretrial deadlines remain as set by the Local Criminal Rules. *See*
18 *id.*, App'x A.

III. CONCLUSION

For the foregoing reasons, Mr. Ruiz-Hernandez's motions to continue trial (Dkt. # 75) and pretrial deadlines (Dkt. # 76) are GRANTED in part and DENIED in part. The trial and pretrial deadlines are continued as set forth in this order.

Dated this 24th day of August, 2023.

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

JAMES L. ROBART
United States District Judge